



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/750,719 | 01/02/2004 | Andi Gutmans | 206,406 | 1411 |
| 38137 7590 04/01/2009 ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017 | | | | |
| EXAMINER | | | | |
| MIRZA, ADNAN M | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2445 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 04/01/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,719

Applicant(s)

GUTMANS, ANDI

Examiner

ADNAN MIRZA

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Page 2 Paragraph 0004 and Page 9 Paragraph 0031 of the specification contains an embedded hyperlink is required to delete it.

Claim Rejections - 35 USC § 101

Claims 10-17 are rejected under 35 U.S.C. because "computer readable medium" in claims 10-17 of claimed invention is directed to non-statutory subject matter. Paragraph 0028 of Page 8 in applicant's specification discloses that software programs can be delivered to a computer which includes carrier wave signaling techniques which make the "computer readable medium" in claims 10-17 non-statutory.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzitelli (U.S. 20030084164) and further in view of Alibakhsh et al (U.S.2001/0056505).

As per claims 1,10,18 Mazzitelli disclosed a method for downloading data, comprising the steps of: establishing a connection over a communication network between a remote client and a server, said connection comprising an client connection socket (Page. 1, Paragraph. 0007); receiving a download request from said client via said connection for download of information from said server (Page. 1, Paragraph. 0003); and executing said download manager process to service said request by transmitting said information to said client via said copy of said client connection socket (Page. 2, Paragraph. 0020). One ordinary skill in the art at the time of the invention understands that Server operates in conjunction with applications and thread 31a-31m to process requests from clients 40-40n. For example, in the embodiment illustrated in FIG. 1, server 30 may access and/or include programs or software routines of applications 31 and/or 31a-31m, depending on particular application is part of download manager process to service said request where server act as a download manager to process the clients request and in case of copy of said client connection socket one ordinary skill in the art at the time of the invention considers as creating a client connection socket for the client communication connection that was closed or similar connection has been created and prior art disclosed on Page. 3, Paragraph. 0024.

However Mazzitelli did not disclose in detail, "constructing a copy of said client connection socket; maintaining an open connection between said client via said copy of said client connection socket; closing said socket; enqueueing said copy of said client connection socket with copies of other sockets in a queue to await service of said request by a download manager process".

In the same field of endeavor Alibakhsh disclosed, "If the open connected socket that has been established for the client application is not used for a specified amount of time (block 313), as defined by the standard RMI protocol 38 (FIG. 2), the socket will be closed (block 314). As a result when use of the client application is resumed (block 316), the application within the client computer 12 (FIG. 1) once again requests communication with the application in the server computer 14 (FIG. 1) (block 302). However, since the open connected sockets are made available within the socket pool, There is no operating system delay incurred (Page. 4, Paragraph. 0035). One ordinary skill in the art at the time of the invention considered the pool manager as a download manager but in the basic terms server acting as a manager by allocating the socket connection to process the clients request by closing the socket connection when its not needed and when client's request received find the same socket through the pool or create a new similar socket in order to process the client's request by eliminating the over loading of the server.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated If the open connected socket that has been established for the client application is not used for a specified amount of time (block 313), as defined by the standard RMI protocol 38 (FIG. 2), the socket will be closed (block 314). As a result when use of the client application is resumed (block 316), the application within the client computer 12 (FIG. 1) once again requests communication with the application in the server computer 14 (FIG. 1) (block 302). However, since the open connected sockets are made available within the socket pool, There is no operating system delay incurred as taught by Alibakhsh in the method and system of Mazzitelli to increase the productivity by reducing the latency and elimination of the over loading of the server.

2. As per claims 2, 12 Mazzitelli - Alibakhsh disclosed the step of forcing conversion of said copy of said client connection socket to non-blocking socket (Alibakhsh, Page. 3, Paragraph. 0028).
3. As per claims 4, 11 Mazzitelli - Alibakhsh disclosed wherein said client comprises a plurality of clients, and said steps of establishing a connection, and constructing a copy of said client connection socket, and are performed substantially concurrently with respect to each of said plurality of clients (Alibakhsh, Page. 3, Paragraph. 0026).
4. As per claims 5, 13,19 Mazzitelli - Alibakhsh disclosed wherein said download

request further comprises a request to download a file (Mazzitelli, Page. 3, Paragraph. 0025).

5. As per claims 6, 14 Mazzitelli - Alibakhsh wherein said connection comprises a TCP session (Mazzitelli, Page. 3, Paragraph. 0017).

6. As per claims 7, 15 Mazzitelli - Alibakhsh disclosed wherein said client connection socket of said connection is a blocking socket (Alibakhsh, Page. 4, Paragraph. 0035).

7. As per claims 8, 16, 20 Mazzitelli - Alibakhsh disclosed wherein said server allows a maximum number of open file descriptors, further comprising the steps of: spawning a duplicate download manager process when said maximum number of open file descriptors is exceeded (Mazzitelli, Page. 3, Paragraph. 0022); performing said step of receiving a download request in one of said download manager process and said duplicate download manager process; and servicing previously pending requests in another of said download manager process and said duplicate download manager process (Mazzitelli, Page. 3, Paragraph. 0025).

8. As per claims 9, 17, 21 Mazzitelli - Alibakhsh disclosed further comprising the steps of: accepting new connections for additional clients over said communication network; establishing respective first threads in said server to operate said connection

and said new connections (Alibakhsh, Page. 3, Paragraph. 0027); establishing a second thread to operate said download manager process; and communicating between said download manager process and said client and said additional clients via said connection and said new connections respectively using non-blocking I/O (Alibakhsh, Page. 3, Paragraph. 0026).

Response to Arguments

9. Applicant's arguments with respect to claims 1-2, 4-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

11. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax

Art Unit: 2445

for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Adnan Mirza
/A. M. M./
Examiner, Art Unit 2445

/Patrice Winder/
Primary Examiner, Art Unit 2445